

REMARKS

Claims 1 and 4-11, 13, and 14 are all the claims pending in the application. Claims 2 and 3 have been canceled by this amendment.

Moreover, the recitations of dependent claim 3 have been added to independent claim 1. Because the Examiner has already considered this claim recitation, the amendment does not raise any new issues that would require further consideration and/or search by the Examiner.

Allowable Subject Matter

The Examiner has indicated that claim 12 would be allowable if rewritten in independent form including all of the recitations of the base claim 9. Accordingly, Applicants has amended independent claim 9 to include the recitations of dependent claim 12. In addition, Applicant has deleted the recitations added to claim 9 in the previous response, so that independent claim 9 includes the subject matter indicated as allowable by the Examiner in the Office Actions dated August 13, 2003 and May 20, 2004.

Applicant also respectfully requests that the Examiner allow dependent claims 10, 11, and 14 at least because of their dependency from amended claim 9.

Claim Rejection Under 35 U.S.C. § 102

Claims 1-4, 6, 7, and 9-11 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Olson (US 6,032,818).

With respect to amended independent claim 1, Applicant respectfully requests that the Examiner withdraw the rejection at least because Olson does not teach or suggest all of the claim's recitations. For example, Olson does not teach or suggest the claimed flexible container having a restraining member that comprises at least two closure lines extending essentially

from a top of the container to the bottom of the container, on each side of a longitudinal center line; in which a front film layer is joined to a back film layer along the closure lines, and the restraining member maintains a substantially fluid tight separation of the first and second compartment until a predetermined pressure is achieved in the first compartment.

Olson discloses a flexible liner 1 having various folds. The Examiner alleges that Olson's folding lines 20 correspond to the recited "restraining member [that] comprises at least two closure lines," and that a front film layer is joined to a back film layer along the folding lines 20.¹

However the folding lines 20 disclosed in Olson cannot correspond to the recited "restraining member [that] comprises at least two closure lines" at least because these lines do not break way when a first compartment reaches a predetermined filling pressure. By providing the recited "restraining member," the first compartment can be filled without the touching the outer walls of the container because the second compartment is not filled until the release of the restraining member allows fluid communication between the first and second compartments. Olson does not disclose this relationship.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of independent claim 1. In addition, Applicant respectfully requests that the Examiner also withdraw the rejection of dependent claims 4, 6, and 7 at least because of their dependency from claim 1.

¹ See Olson at Fig. 6c and Office Action dated December 15, 2005 at page 3, 2nd and 3rd paragraphs.

AMENDMENT UNDER 37 C.F.R. § 1.116
Appln. No. 10/019,560

Claim Rejections Under 35 U.S.C. § 103

Claim 5 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Olson in view of Bonerb (US 5,344,048). Claim 8 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Olson in view of Sharples (US 4,955,512). Claims 13 and 14 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Olson in view of Chambers et al. (US 4,984,713).

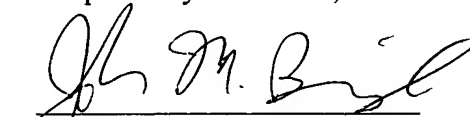
Finally, Applicant respectfully requests that the Examiner withdraw the rejection of dependent claims 5, 8, and 13 at least because of their dependency from claim 1.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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